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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,290	08/08/2001	J. Linn Rodgers	5048	2672

7590 02/16/2006
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EXAMINER

WUJCIAK, ALFRED J

ART UNIT PAPER NUMBER

3632

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/925,290

Applicant(s)

RODGERS, J. LINN

Examiner

Alfred Joseph Wujciak III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is the first Office Action for the serial number 09/925,290, STABILIZER FOR OBJECTS SUCH AS CABLES AND WIRES, filed on 8/8/01.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim 6 line 2, "that" should be changed to ---than--- for clarification.

Claim 7 is rejected as depending on rejected claim 6.

Claims 2-7 are rejected as depending on rejected claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 4,244,544 to Kornat and in view of US Patent # 6,408,492 to Sparks et al.

Kornat teaches a stabilizer (6) comprising a first and second hook-like retainer (17) having an overhanging segment, a bight segment, a back segment and a base segment. The overhanging segment having an end spaced from the base segment as to permit entry of the object. The stabilizer further comprises a joiner (8) joining to two base segments and having a plurality of undulations. The retainers are stiffly flexible (plastic, col. 2, lines 17-18) to enable bending of the segments to admit an object. The stabilizer includes a rigid spacer (14) formed between two undulations.

Kornat teaches all elements above but fails to teach a pull rod extending from the second retainer. Sparks et al. teaches the pull rod (located on end of element 30 with rounded like shape) including a stub and laterally extending segments (30). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added the pull rod to Kornat's second retainer as taught by Sparks et al. to provide convenience for adjusting the stabilizer and releasing an object out of stabilizer by controlling the pull rod.

In regards to claim 2, Kornat teaches the stabilizer is formed of plastic material (col. 2, lines 17-18) but fails to teach the stabilizer is formed of thermoplastic resin. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Kornat's plastic material with thermoplastic resin to improve flexibility in the stabilizer.

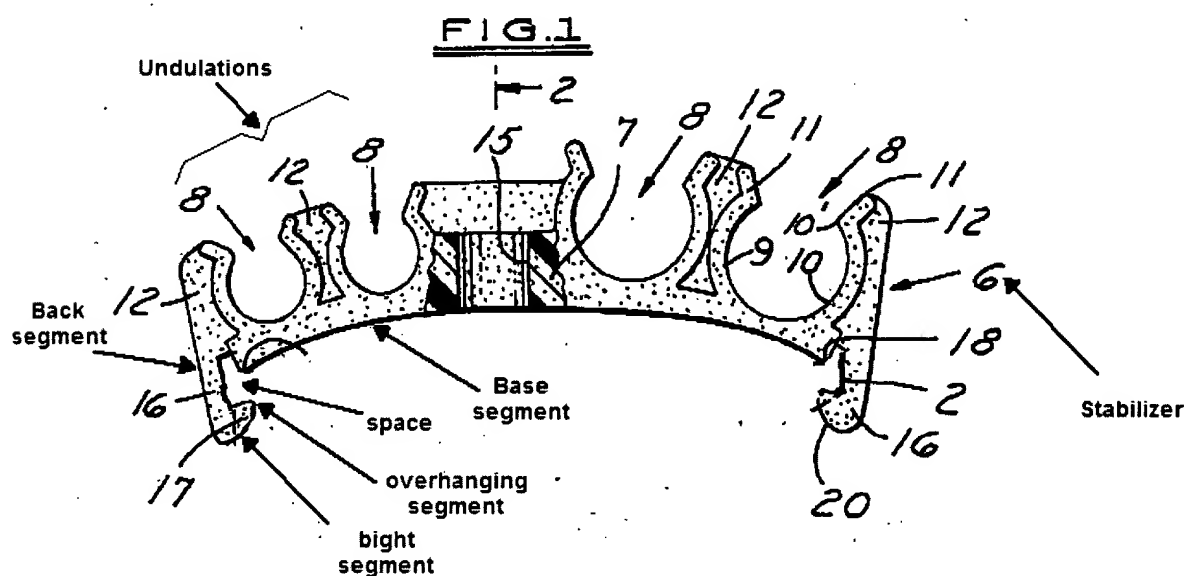
In regards to claim 4, Kornat teaches the undulations but fails to teach the undulations form at least two full sine wave cycles. It would have been obvious for one of ordinary skill in

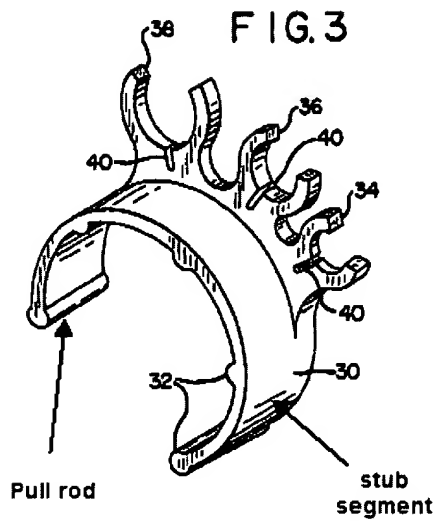
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the art at the time the invention was made to have modified shape of undulations to at least two full sine wave cycles to provide designer's preference for the shape of undulations.

In regard to claims 6-7, Kornat teaches the retainers but fails to teach the cross-section of the retainers is larger than the cross section of the joinder. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified cross-section size of retainer larger than the cross section of the joinder to increase the size of retainer for mounting a larger object therein.

See drawing below from Figure 1 of Kornat's invention and figure 3 from Sparks et al.'s invention:





Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent # 2,453,980 to Hartman

US Patent # 2,918,244 to Laney

Hartman and Laney teach a clip for mounting on surface for retaining object therein.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III

Examiner

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A handwritten signature in black ink, appearing to read 'A. J. Wujciak III', with a stylized flourish at the end.

2/10/06